

**UNITED STATES DISTRICT COURT**  
**Eastern District of Virginia**  
**Norfolk Division**

UNITED STATES OF AMERICA

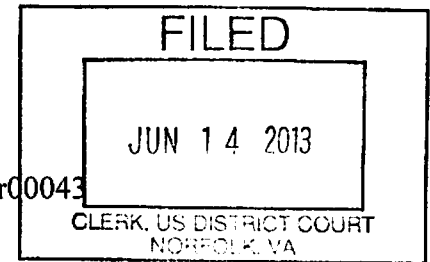
v.

OMEGA PROTEIN, INC.

Defendant Corporation.

Case Number: 2:13cr00043

Defendant Corporation's Attorney: Gregory Linsin  
and Chuck Rosenberg, Esquire  
Government Attorney: Joseph Kosky, AUSA



**JUDGMENT IN A CRIMINAL CASE**

The defendant corporation pleaded guilty to Counts 1 and 2 of the Criminal Information.

Accordingly, the defendant corporation is adjudged guilty of the following counts involving the indicated offenses:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
T. 33 U.S.C. § 1311(a) and 1319(c)(2)(A)	Knowing Discharge of a Pollutant in Violation of Clean Water Act	Felony	December 2010	1
T. 33 U.S.C. § 1321(b)(3) and 1319(c)(2)(A)	Knowing Discharge of Oil in Violation of Clean Water Act	Felony	September 2010	2

As pronounced on June 4, 2013, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ORDERED that the defendant corporation shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Signed this 13<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Raymond A. Jackson  
United States District Judge

Case Number: 2:13cr00043  
Defendant's Name: OMEGA PROTEIN, INC.,

## PROBATION

The defendant corporation is hereby placed on probation for a term of **THREE (3) YEARS**.

The Probation Office shall provide the defendant corporation with a copy of the standard conditions and any special conditions of probation.

The defendant corporation shall not commit another federal, state or local crime during the term of supervision.

The defendant corporation must pay the fine, special assessment, and financial obligations listed on the Criminal Monetary Penalties section of this judgment.

## STANDARD CONDITIONS OF PROBATION

The defendant corporation shall comply with the standard conditions that have been adopted by this court set forth below:

- 1) within thirty (30) days from the date of the judgment the defendant corporation shall designate an official of the corporation to act as the corporation's representative and to be primary contact with the probation officer;
- 2) the defendant corporation shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant corporation shall make periodic submissions to the probation officer, at intervals specified by the court, reporting on the corporation's financial condition and results of business operations, and accounting for the disposition of all funds received;
- 4) the defendant corporation shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 5) the defendant corporation shall permit a probation officer to visit the corporation at any of its operating business sites;
- 6) the defendant corporation shall notify the probation officer within seventy-two (72) hours of (A) any material adverse change in its business or financial condition or prospects, or (B) the commencement of bankruptcy proceeding, criminal prosecution, major civil litigation, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization;
- 7) the defendant corporation shall not dissolve, change its name, or change the name under which it does business unless the judgment and all criminal monetary penalties imposed by this court are either fully satisfied or equally enforceable against the defendant corporation's successors or assignees;
- 8) the defendant corporation shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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Defendant's Name: OMEGA PROTEIN, INC.,

### **SPECIAL CONDITIONS OF PROBATION**

While on probation pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

- 1) Omega Protein agrees to pay \$2,000,000.00 to the National Fish and Wildlife Foundation within 60 days of sentencing to fund projects in the Eastern District of Virginia related to the protection of the environmental health of the Chesapeake Bay and its watershed and to the enhancement of environmental compliance within the watershed. Omega Protein agrees not to claim this payment as a business expense for tax purposes. The government shall not retain control over the disposition or management of the funds or community service projects carried out under the terms of this plea agreement.
- 2) Omega Protein acknowledges that the United States Sentencing Guidelines requires the Court to determine whether a defendant has an effective program to detect and prevent violations of law pursuant to Chapter 8, Section 8B2.1, and Section 8C2.5(f). Accordingly, Omega Protein will develop and implement an Environmental Management System (EMS) at all of its facilities which satisfies this requirement. Omega Protein will submit an outline and schedule of its plan to develop and implement the EMS, including time lines and milestones with applicable dates, to the Court for review and approval at sentencing. The U.S. Probation Office – in consultation with the EPA and the United States Attorney's Office, if necessary – will have the right to periodically monitor the approved EMS during the probationary period and bring any violations to the attention of Omega Protein for corrective action, and to the Court, if corrective actions are not taken timely. At a minimum, the program will consist of the following:
  - a. Developing an environmental compliance manual covering general area of federal, state and local environmental regulations, including management of industrial wastewater and hazardous waste; regulatory agency notifications in case of spills, releases, emissions or discharges of pollutants into the environment; dealings with regulatory inspectors and personnel, and the importance of accuracy, timeliness and honesty in reporting to regulatory agencies all information required by the Clean Water Act and other federal and state environmental statutes, regulation, programs and permits.
  - b. Omega Protein will assure that there is a system in place under which its employees are made aware they can report allegations of environmental noncompliance to the appropriate federal, state and local regulatory agency, without fear of retribution. See U.S.S.G. § 8B2.1(b)(5)(C).
  - c. Omega Protein will set up a system for providing systematic training to new employees and refresher training for other employees on federal, state and local environmental statutes and regulations.
  - d. Omega Protein's Marine Safety & Environmental Compliance System is attached to the plea agreement as Addendum A and the provision for a Third Party Monitor is attached as Addendum B. Both Addendum A and B are specifically incorporated in the plea agreement.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$400.00	\$5,500,000.00	\$0.00
2	\$400.00	\$0.00	\$0.00
<b>TOTALS:</b>	<b>\$800.00*</b>	<b>\$5,500,000.00</b>	<b>\$0.00</b>

\*The Special Assessment was paid in full on June 4, 2013

### FINES

The defendant corporation shall pay a fine of \$5,500,000.00, which shall be due within sixty (60) days from the date of sentencing, and shall be made payable to the Clerk, United States District Court.

Nothing in the court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.